

California Regional Water Quality Control Board
North Coast Region

Notice of Public Hearing and Notice of Issuance of an Order
Administrative Civil Liability Order No. R1-2007-0054

For
Violation of Waste Discharge Requirements Order No. 93-42
NPDES No. CA0023051

In The Matter Of
Occidental County Sanitation District
and Sonoma County Water Agency
Wastewater Treatment Facility
WDID No. 1B830010SON

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Executive Officer issued Administrative Civil Liability Complaints No. R1-2003-0125 and No. R1-2007-0022 (Complaints) to Occidental County Sanitation District and Sonoma County Water Agency (both are hereinafter the Discharger) on November 3, 2003 and May 5, 2007, respectively. The Complaints were issued for failure to meet effluent limitations contained in Waste Discharge Requirements Order No. 93-42 (NPDES No. CA0023051) and assessed minimum penalties in the amount of \$309,000 that are mandated by Water Code section 13385, subdivisions (h) and (i).

Water Code section 13385, subdivision (k) allows the Regional Water Board to direct all or a portion of the penalty amount toward a compliance project (CP). The Discharger completed one compliance project in the amount of \$37,226.02 in the spring of 2004, has paid \$36,000 into the State Water Pollution Cleanup and Abatement Account (CAA), and will spend at least the remaining \$235,773.98 of the penalty on a CP. The CP will upgrade the Discharger's wastewater collection system by replacing approximately 3,690 linear feet of sewage pipe and all impacted manholes, laterals and cleanouts that are within the public right-of-way.

Public Hearing Procedures

The Regional Water Board will hold a public hearing on this matter on September 12 and 13, 2007 at 8:30 a.m., or as announced in the Regional Water Board's summary agenda to be mailed on or about August 23, 2007. The meeting is scheduled to be held in the Regional Water Quality Control Board Hearing Room located at 5550 Skylane Boulevard, Suite A, Santa Rosa, California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Civil Liability, or take other enforcement action.

Kim Niemeyer, staff counsel with the State Water Resources Control Board, Office of Chief Counsel, regularly advises the Regional Water Board. With regard to this matter,

however, Ms. Niemeyer has been assisting Regional Water Board staff in the prosecution. Ms. Niemeyer has not provided, and will not provide, advice to the Regional Water Board in connection with this matter before the Regional Water Board's final action in the matter.

The Discharger and interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material concerning this issue by 5:00 p.m. on July 30, 2007. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Board by July 30, 2007. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The proposed Order is available for review on the Regional Water Board web site at <http://waterboards.ca.gov/northcoast/agenda/pending.html>. That document, as well as the other evidentiary documents and the file, may be inspected or copied at the Regional Water Board office on Monday through Friday from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments may be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Kason Grady at (707) 576-2682 or at kgrady@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

June 27, 2007